

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:21-cv-00169-MR**

JIMMY DANIEL RAYBON,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
LARRY WILLIAMSON, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Plaintiff's "Motion for a Request for NCPLS to Assist/Respond and Motion for Time Extension" [Doc. 17].

The incarcerated Plaintiff filed this action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the Alexander Correctional Institution. [Doc. 1]. The Complaint passed initial review on retaliation claims against three Defendants. [Doc. 10]. In the Order on initial review, the Court granted the Plaintiff 30 days to amend the Complaint and cautioned him that, if he failed to do so, the matter would proceed only on the claims identified in the Order. [Id.]. The Plaintiff then filed three Motions to extend the time to amend, which were granted. [See Text-Only Orders entered April 20, 2022, May 16, 2022, June 24, 2022]. The Plaintiff how now filed this, his

fourth Motion to extend the time to amend; he also asks the Court to appoint North Carolina Prisoner Legal Services (NCPLS) to represent him because he has “limited education and zero official training in the law,” and lacks familiarity with the relevant rules. [Docs. 17, 17-1 at 1].

There is no absolute right to the appointment of counsel in civil actions such as this one. Therefore, a plaintiff must present “exceptional circumstances” in order to require the Court to seek the assistance of a private attorney for a plaintiff who is unable to afford counsel. Miller v. Simmons, 814 F.2d 962, 966 (4th Cir. 1987). The Plaintiff has failed to demonstrate the existence of extraordinary circumstances that would warrant the appointment of counsel, and therefore, his Motion is denied.


The Plaintiff has also failed to demonstrate good cause for continuing to extend the time to amend. Accordingly, he will be given a final opportunity to file an Amended Complaint within 14 days of this Order. No further extensions of the time to amend will be granted except on a showing of exceptional circumstances. If the Plaintiff fails to comply with this Order, this action will proceed on the claims that were identified in the Order on initial review. [Docs. 1, 10].

IT IS, THEREFORE, ORDERED that “Motion for a Request for NCPLS to Assist/Respond and Motion for Time Extension” [Doc. 17] **GRANTED IN PART AND DENIED IN PART.**

The Plaintiff may file an Amended Complaint within **fourteen (14) days** of this Order. If he fails to comply, this action will proceed on the claims identified in the Order on initial review [Docs. 1, 10]. No further extensions of the time to amend will be granted except on a showing of exceptional circumstances.

IT IS SO ORDERED.

Signed: August 16, 2022



Martin Reidinger
Chief United States District Judge

